

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

FILED

DEC 21 2016

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

In re: BOOKER THEODORE WADE, Jr.,

Debtor.

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BOOKER THEODORE WADE, Jr.,

Petitioner-Appellant,

v.

ARLENE STEVENS,

Respondent-Appellee,

and

FRED HJELMESET; OFFICE OF THE US  
TRUSTEE/SJ,

Trustees.

No. 14-17124

D.C. No. 5:14-cv-03453-LHK

MEMORANDUM\*

Appeal from the United States District Court  
for the Northern District of California  
Lucy H. Koh, District Judge, Presiding

Submitted December 14, 2016\*\*

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\* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

\*\* The panel unanimously concludes this case is suitable for decision

Before: WALLACE, LEAVY, and FISHER, Circuit Judges.

Booker Theodore Wade, Jr., appeals pro se from the district court's order denying Wade's motion to compel arbitration and emergency stay motion. We have jurisdiction under 9 U.S.C. § 16(a)(1)(C) and 28 U.S.C. §§ 158(d), 1291. We review de novo the denial of a motion to compel arbitration. *Cox v. Ocean View Hotel Corp.*, 533 F.3d 1114, 1117 (9th Cir. 2008). We review for abuse of discretion the denial of a stay pending arbitration. *Alascom, Inc. v. ITT North Elect. Co.*, 727 F.2d 1419, 1422 (9th Cir. 1984). We affirm.

The district court properly denied Wade's motions to stay and to compel arbitration because the motions were unrelated to the order appealed from and presented for the first time on appeal. *See Kaas Law v. Wells Fargo Bank, N.A.*, 799 F.3d 1290, 1293 (9th Cir. 2015) (appellate courts will not ordinarily hear issues raised for the first time on appeal).

Wade's October 13, 2015 motion to disqualify counsel is denied.

**AFFIRMED.**

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without oral argument. *See* Fed. R. App. P. 34(a)(2).